

# The Persian Imperial Authorization as an Historical Problem

and as a Biblical Construct:

## A Plea for Distinctions in the Current Debate

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### I. THE CURRENT DEBATE

The theory of a “Persian imperial authorization” of the Torah has become one of the most successful hypotheses of Old Testament scholarship during the past twenty years.<sup>1</sup> The theory

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<sup>1</sup> See Rainer Albertz, *Religionsgeschichte Israels in alttestamentlicher Zeit* (GAT 8/1–2; Göttingen: Vandenhoeck & Ruprecht, 1992) 497–504; translated, idem, *A History of Israelite Religion in the Old Testament Period*, vol. 2, *From the Exile to the Maccabees* (trans. John Bowden; London: SCM, 1994) 466–71. See also Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (New York: Doubleday, 1992) 239–42; David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster, 1996) 324–33; Frank Crüsemann, “Das ‘portative’ Vaterland,” in *Kanon und Zensur: Archäologie der literarischen Kommunikation II* (ed. Aleida and Jan Assmann; Munich: Fink, 1987) 63–79; idem, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen*

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*Gesetzes* (Munich: Kaiser, 1992); idem, “Der Pentateuch als Tora: Prolegomena zur Interpretation seiner Endgestalt,” *EvT* 49 (1989) 250–67; Reinhard G. Kratz, *Translatio imperii: Untersuchungen zu den aramäischen Danielerzählungen und ihrem theologiegeschichtlichen Umfeld* (WMANT 63; Neukirchen-Vluyn: Neukirchener, 1991) 233–55; Ernst Axel Knauf, *Die Umwelt des Alten Testaments* (Neuer Stuttgarter Kommentar, Altes Testament 29; Stuttgart: Katholisches Bibelwerk, 1994) 171–75; Jon L. Berquist, *Judaism in Persia’s Shadow: A Social and Historical Approach* (Minneapolis: Fortress, 1995) 138–39; Horst Seebaß, “Pentateuch,” *TRE* 26.185–209 (at 26.189–90); Konrad Schmid, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* (WMANT 81; Neukirchen-Vluyn: Neukirchener, 1999) 291 n. 658; Odil Hannes Steck, *Der Abschluß der Prophetie im Alten Testament: Ein Versuch zur Frage der Vorgeschichte des Kanons* (Biblisch-theologische Studien 17; Neukirchen-Vluyn 1991) 13–21; idem, “Der Kanon des hebräischen Alten Testaments: Historische Materialien für eine ökumenische Perspektive,” in *Verbindliches Zeugnis I: Kanon—Schrift—Tradition* (ed. Wolfhart Pannenberg and Theodor Schneider; Dialog der Kirchen 7; Freiburg: Herder; Göttingen: Vandenhoeck & Ruprecht, 1992) 11–33 (at 16); James W. Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (BiSe 59; Sheffield: Sheffield Academic Press, 1999) 137–44; Erich Zenger, *Einleitung in das Alte Testament* (Stuttgart: Kohlhammer, 1995) 39–42 (but see the adjustments in the 5th ed. [2004] of his *Einleitung*, 129–31); idem, “Der Pentateuch als Tora und als Kanon,” in *Die Tora als Kanon für Juden und Christen* (ed. Erich Zenger; Herders Biblische Studien 10; Freiburg: Herder, 1996) 5–34. Hans G. Kippenberg uses the stronger term “Reichssanktionierung,” but he reckons with a similar phenomenon (*Die vorderasiatischen*

has primarily been associated with the name of Peter Frei.<sup>2</sup> But it is important to recognize that the theory was independently formulated by Erhard Blum in the mid-1980s, although he first published his results only in 1990.<sup>3</sup> Neither Frei nor Blum *invented* this theory, however, which had earlier been proposed by Eduard Meyer, Hans Heinrich Schaeder, Martin Noth, Edda Bresciani, Ulrich Kellermann, Wilhelm In der Smitten, and others. This earlier history of the

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*Erlösungsreligionen in ihrem Zusammenhang mit der antiken Stadtherrschaft* [Suhrkamp Taschenbuch Wissenschaft 917; Frankfurt: Suhrkamp, 1991] 181–82).

2 Peter Frei, “Zentralgewalt und Lokalautonomie im Achämenidenreich,” in idem and Klaus Koch, *Reichsidee und Reichsorganisation im Perserreich* (OBO 55; 2d ed.; Fribourg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht [1984], 1996) 5–131; idem, “Zentralgewalt und Lokalautonomie im achämenidischen Kleinasien,” *Transeu* 3 (1990) 157–71; idem, “Die persische Reichsautorisation: Ein Überblick,” *ZABR* 1 (1995) 1–35. (See also the Eng. trans.: “Persian Imperial Authorization: A Summary,” in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* [ed. James W. Watts; SBLSymS 17; Atlanta: Scholars Press, 2001] 5–40.)

3 Erhard Blum, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin and New York: de Gruyter, 1990) 333–60 (see the statement in 345 n. 42); idem, “Esra, die Mosetora und die persische Politik,” in *Religion und Religionskontakte im Zeitalter der Achämeniden* (ed. Reinhard G. Kratz; Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 22; Gütersloh: Gütersloher Verlagshaus, 2001) 231–55 (at 250 n. 80).

model has been recognized by Frei and Blum, as well as by Udo Rüterswörden.<sup>4</sup> Indeed, Meyer had already contended in 1896:

Die Einführung eines derartigen Gesetzbuchs [i.e., Esras Gesetz] für einen bestimmten Kreis von Unterthanen ist nur möglich, wenn es vom Reich sanktionirt, wenn es königliches Gesetz geworden ist. Das wird in v.26 [i.e., Esr 7,26] ausdrücklich ausgesprochen.<sup>5</sup>

The introduction of such a law book [i.e., Ezra's law] for a certain number of subjects is only possible if it is authorized by the empire itself, if it has become the law of the king. This is explicitly said in v. 26 [i.e., Ezr 7:26].

After enjoying wide reception and agreement, this positive attitude towards the theory seems to have changed in recent scholarship. Following the critical discussion of this theory in the first volume of the *Zeitschrift für altorientalische und biblische Rechtsgeschichte* (1995), additional objections rapidly followed by Eckart Otto, Hans-Christoph Schmitt, and Amelie Kuhrt, as well as those included in the anthology *Persia and Torah*, compiled by James W.

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4 Frei, "Zentralgewalt und Lokalautonomie im Achämenidenreich," 16 n. 19; Blum, *Studien zur Komposition des Pentateuch*, 346–47 and notes 44 and 52 there; idem, "Esra," 250 n. 78; Udo Rüterswörden, "Die persische Reichsautorisation der Thora: fact or fiction?" *ZABR* 1 (1995) 47–61 (at 51 notes 17–20).

5 Eduard Meyer, *Die Entstehung des Judenthums: Eine historische Untersuchung* (Halle: Max Niemeyer, 1896) 66 (additions mine). Translations and parenthetical insertions, unless otherwise stated, are mine.

Watts.<sup>6</sup> Consequently, the majority of current scholarship seems to have distanced itself from the theory. Eckart Otto, for example, arrives at a decisive conclusion when he states in his review of the volume *Persia and Torah* that “die These . . . durch die Fachiranisten einhellig

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6 Eckart Otto, “Kritik der Pentateuchkomposition,” *TRu* 60 (1995) 163–91 (at 169 n. 5); idem, “Die nachpriesterschriftliche Pentateuchredaktion im Buch Exodus,” in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. Marc Vervenne; BETL 126; Leuven: Peeters, 1996) 61–111 (at 66–70); idem, “Gesetzesfortschreibung und Pentateuchredaktion,” *ZAW* 107 (1995) 373–92 (at 375 and n. 14 there); idem, *Die Tora des Mose: Die Geschichte der literarischen Vermittlung von Recht, Religion und Politik durch die Mosegestalt* (Berichte aus den Sitzungen der Joachim Jungius-Gesellschaft der Wissenschaften; Hamburg: Joachim Jungius Gesellschaft der Wissenschaften, 2001) 51–52. Hans-Christoph Schmitt, “Die Suche nach der Identität des Jahweglaubens im nachexilischen Israel: Bemerkungen zur theologischen Intention der Endredaktion des Pentateuch,” in *Pluralismus und Identität* (ed. Joachim Mehlhausen; Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 8; Gütersloh: Gütersloher Verlagshaus, 1995) 259–78 (at 263–67); idem, “Das spätdeuteronomistische Geschichtswerk Gen I–2 Regum XXV und seine theologische Intention,” in *Congress Volume Cambridge 1995* (ed. J. A. Emerton; VTSup 66; Leiden: Brill, 1997) 261–79. Amelie Kuhrt, “The Persian Kings and Their Subjects: A Unique Relationship?” *OLZ* 96 (2001) 166–73. But see the short discussion in Konrad Schmid, “Persische Reichsautorisation und Tora,” *TRu* 71 (2006) 494–506. The present article draws upon and significantly elaborates the analysis provided there.

abgelehnt worden [ist]” (“the theory . . . has been unanimously rejected by experts in the field of Iranology.”)<sup>7</sup> His review concludes:

Damit ist nun auch in der Alttestamentlichen Wissenschaft das Urteil, das die Iranistik längst gefällt hat, gesprochen. Der Pentateuch, das ist die Konsequenz, ist nicht Ergebnis persischer ‘Geburtshilfe’, sondern jüdischer Schriftgelehrsamkeit in persischer Zeit.<sup>8</sup>

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7 Eckart Otto, “Review of James W. Watts (ed.), *Persia and Torah*,” *ZABR* 8 (2002) 411–14.

8 Otto, “Review of James W. Watts,” 413. See idem, “Rechtshermeneutik des Pentateuch und die achämenidische Rechtsideologie in ihren altorientalischen Kontexten,” in *Kodifizierung und Legitimierung des Rechts in der Antike und im Alten Orient* (ed. Markus Witte and Marie Theres Fögen; Beihefte zur Zeitschrift für Altorientalische und Biblische Rechtsgeschichte 5; Wiesbaden: Harrassowitz, 2005) 71–116 (at 105–6). This judgement is not unique. See, for example, Christoph Dohmen and Manfred Oeming, *Biblischer Kanon: Warum und wozu? Eine Kanontheologie* (QD 137; Freiburg: Herder, 1992) 91 and n. 3 there; Norbert Lohfink, “Gab es eine deuteronomistische Bewegung?” in *Jeremia und die “deuteronomistische Bewegung”* (ed. Walter Groß; BBB 98; Weinheim: Beltz Athenäum, 1995) 313–82 (at 369–70) (article republished in Norbert Lohfink, *Studien zum Deuteronomium und zur deuteronomistischen Literatur III* [SBAB 20; Stuttgart: Katholisches Bibelwerk, 1995] 65–142); Titus Reinmuth, “Reform und Tora bei Nehemia: Neh 10,31–40 und die Autorisierung der Tora in der Perserzeit,” *ZABR* 7 (2001) 287–317; Horst Seebaß, “Das Erbe Martin Noths zu Pentateuch und Hexateuch,” in *Martin Noth—aus der Sicht der heutigen Forschung* (ed. Udo

The judgement, long after Iranology came to it, has thus also been pronounced in the field of Old Testament scholarship. The Pentateuch, this is the conclusion, is not the result of Persian “midwifery,” but rather of Jewish scribal scholarship during the Persian era.

However, the issue is not as simple as Eckart Otto maintains. In section II, I shall demonstrate that the objections raised by Josef Wiesehöfer, the Iranologist cited so frequently by the critics of

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Rüterswörden; Biblisch-theologische Studien 58; Neukirchen-Vluyn: Neukirchener, 2004) 21–59 (at 25 n. 13) (*contra* his own position in Seebaß, “Pentateuch,” 205); Pierre Briant, “Histoire impériale et histoire régionale: A propos de l’histoire de Juda dans l’empire achéménide,” in *Congress Volume Oslo 1998* (ed. André Lemaire and Magne Sæbø; VTSup 80; Leiden: Brill, 2000) 235–45 (at 241–42); Ernst Baltrusch, *Die Juden und das Römische Reich: Geschichte einer konfliktreichen Beziehung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2002) 162 n. 57; Hugh Godfrey Maturin Williamson, “Review of J. Schaper, *Priester und Leviten im achämenidischen Juda: Studien zur Kult- und Sozialgeschichte Israels in persischer Zeit*,” *JTS* 54 (2003) 615–20; Wolfgang Oswald, *Israel am Gottesberg: Eine Untersuchung zur Literargeschichte der vorderen Sinaiperikope Ex 19–24 und deren historischem Hintergrund* (OBO 159; Fribourg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1998) 224–29; Juha Pakkala, *Ezra the Scribe: The Development of Ezra 7–10 and Nehemia 8* (BZAW 347; Berlin and New York: de Gruyter, 2004) 38; Erhard S. Gerstenberger, *Israel in der Perserzeit: 5. und 4. Jahrhundert v. Chr.* (Biblische Enzyklopädie 8; Stuttgart: Kohlhammer, 2005) 320–21.

Frei's position in the German realm, arise from a misreading of Frei's actual theory.<sup>9</sup> They do not, therefore, invalidate the theory itself. Moreover, the two "opposing" positions are not so far apart as commonly assumed.

The present discussion of the "Persian imperial authorisation" of the Torah demands some basic clarification. Foremost, one has to introduce a fundamental distinction between two different issues that are best discussed separately: On the one hand, the question arises whether there ever was such a legal institution in the Persian Empire. On the other hand, there is the debate as to whether the completion of the Torah (or rather the formation of relevant literary precursors) might be connected to such a process of imperial authorisation of local laws. Both questions need to be differentiated further. The dichotomy between a *pro* or *contra* stance

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9 Josef Wiesehöfer, "'Reichsgesetz' oder 'Einzelfallgerechtigkeit?' Bemerkungen zu P. Freis These von der achaimenidischen 'Reichsautorisation,'" *ZABR* 1 (1995) 36–45. Hilmar Klinkott largely follows his teacher Wiesehöfer in rejecting the theory of a Persian imperial authorization of local laws (*Der Satrap: Ein achämenidischer Amtsträger und seine Handlungsspielräume* [Oikumene 1; Frankfurt: Antike, 2005] 133–34). Additionally, he strictly distinguishes between *dāta* as "imperial law" and *dīnu* as "local law." This strict thesis, however, can easily be disproven by the use of *dāta* in line 19 of the Letoon Trilingual (see n. 10 below). Here Satrap Pixodarus publishes the local decree of the Xanthos community as his own: "He has written this law (*dāta*)."<sup>10</sup> For a discussion of the term *dāta* see R. Schmitt, "*dāta*," in *Encyclopaedia Iranica* (ed. Ehsan Yarshater; Costa Mesa: Mazda, 1996) 114–15; Gregor Ahn, "'Toleranz' und Reglement: Die Signifikanz achaimenidischer Religionspolitik für den jüdisch-persischen Kulturkontakt," in Kratz, ed., *Religion und Religionskontakte*, 202–204; Otto, "Rechtshermeneutik," 86–89.



towards “Persian imperial authorization” that dominates recent scholarly discussions is too simplistic. In most cases where this theory is rejected, the rejection does not apply to more than *a specific version of this theory*.

There is no reason to deny that at least some local laws indeed were authorized by higher authorities such as the satraps. This is the unavoidable minimal interpretation of the trilingual inscription of Xanthos, which prompted Frei to develop his theory.<sup>10</sup> On the front face of the stele, the satrap Pixodaros publishes the decision of the community of Xanthos to establish a cult for two Carian deities *as his own decree* in Aramaic, the imperial language. This provides clear evidence for the elevation of local legislation to imperial legislation. This kind of decentralized legal system is only to be expected within the Persian Empire, especially for such highly developed cultures as Greece, Asia Minor, Judah, or Egypt. The successful administration of an ancient empire necessitated that local autonomy be permitted at key junctures. The administrative effort of introducing and enforcing a centralized legal corpus would be prohibitively high. Scholars have nonetheless searched for this body of law.<sup>11</sup> The search is most likely in vain.<sup>12</sup> Such an attempt at creating a centralized legal corpus could hardly meet with success. Our question cannot be: “Did a ‘Persian Imperial Authorisation’ exist?” but must

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10 Henri Metzger, Emanuel Laroche, André Dupont-Sommer, Manfred Mayrhofer, *Fouilles du Xanthos VI: La stèle trilingue du Létôon* (Paris: Klincksieck, 1979).

11 See especially the theory of Albert T. Olmstead, *A History of the Persian Empire* (Chicago: University of Chicago Press, 1948) 119–134; and idem, “Darius As Lawgiver,” *AJSL* 51 (1934/1935) 247–49. Note the discussion of Olmstead by Otto, “Rechtshermeneutik,” 85.

12 See Richard Nelson Frye, *The History of Ancient Iran* (Handbuch der Altertumswissenschaft 3/7; Munich: C. H. Beck, 1984) 119.

be, rather, “How can we best describe processes whereby Persian authorities created local autonomy—processes that are only to be expected and that can be substantiated beyond any doubt?”

Accordingly, we have to differentiate the issue of the relation between the establishment of the Torah and Persian policy. Here, too, the question is not whether this relation is to be assumed or rejected *as a whole*, but rather *how and in what manner* the Torah is connected to its historical Persian context and what political forces influenced its creation.

## II. WHAT PETER FREI ORIGINALLY MEANT BY “IMPERIAL AUTHORIZATION” AND HOW HIS CRITICS UNDERSTOOD HIS THEORY

Peter Frei defined the Persian Imperial Authorisation as follows:

Zu definieren ist [die Reichsautorisation] als ein Verfahren, durch das die von einer lokalen Instanz gesetzten Normen von einer Instanz der Zentrale nicht einfach gebilligt und akzeptiert, sondern übernommen und zur eigenen Norm gemacht werden. Die lokale Norm wird dadurch im Rahmen des gesamten staatlichen Verbandes, eben des Reiches, als Norm höheren Ranges für alle verbindlich gemacht und gesichert.<sup>13</sup>

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13 Frei, “Die persische Reichsautorisation,” 3. Compare also 29: “Anzunehmen ist, daß durch [die Reichsautorisation] die von einer lokalen Körperschaft, die lediglich Untertanenstatus hatte, gesetzte Norm auf die Stufe der Reichsgesetzgebung gehoben wurde und dadurch entsprechende Autorität genoß.” (“It is apparent, however, that through it, the legal norms of a

By definition it [i.e., the Persian imperial authorization] is a process by which the norms established by a local authority are not only approved and accepted by a central authority, but adopted as its own. The local norms are thereby established and protected within the framework of the entire state association, that is, the empire, as higher-ranking norms binding all.<sup>14</sup>

These statements have given rise to misunderstandings that have led some to reject the theory *as a whole*. Frei was primarily interested in *qualitative* aspects of the central administration's adoption of local norms and the elevation of those norms to the status of imperial law. Scholars have presumed, however, that Frei's interest indicated something he never intended: that the local norms were *centrally registered and codified as "imperial law."* In a contribution to the discussion of Persian imperial authorisation that has been influential in at least the German-speaking realm, Josef Wiesehöfer seems to have understood Frei in exactly this sense: "[A]uf ein Reichszentralkataster, ein Reichszentralarchiv, das auch die speziellsten lokalen Regelungen notiert, gibt es keinen Hinweis."<sup>15</sup> ("There is no indication that a central register, a central archive containing the specific local regulations, ever existed.")

Wiesehöfer concedes, however, that the central authority of the Persian Empire did have processes to ratify local norms. Insofar as he makes this concession, he is quite close to Peter

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local body with subordinate status were elevated to the status of imperial legislation and so enjoyed corresponding authority" [Frei, "Persian Imperial Authorization," 38].)

14 Frei, "Persian Imperial Authorization," 7.

15 Wiesehöfer, "'Reichsgesetz' oder 'Einzelfallgerechtigkeit?'" 44.

Frei's argument. His main objection concerns this very point of central registration and codification of the approved local norms. Wiesehöfer himself repeats it again:

Jedoch sehe ich, zumindest in den nichtalttestamentlichen Texten und in Esra, keinen Hinweis darauf gegeben, dass es so etwas wie ein 'persisches Reichsgesetz' gegeben hat, in das auch die lokalen Normen—nun als Reichsnormen—aufgenommen waren.<sup>16</sup>

But I do not see any indication, in texts outside the Old Testament and in Ezra, that there ever existed something resembling a "Persian imperial law" that also included local norms turned into imperial norms.

Frei, however, had never made this claim. He was interested in the legal *status* of the local norms authorised by the central administration, not in their central codification and archiving. For Frei, "imperial authorisation" refers to a specific quality of the relevant laws, not to a process of establishing a central Persian law out of several local regulations. Furthermore, he did not claim that regulations that went through the process of an "imperial authorization" became binding norms in all parts of the empire. Rather, he thought of "lokal gültiges

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<sup>16</sup> Ibid., 44. In a similar vein, see Ahn, "'Toleranz' und Reglement," 194 n. 18; Gary N. Knoppers, "An Achaemenid Imperial Authorization of Torah in Yehud?" in *Persia and Torah*, 115–34 (at 134); Ludwig Massmann, "Persien und die Tora," *ZABR* 9 (2003) 238–50 (at 249).

Reichsrecht” (“locally valid imperial law”).<sup>17</sup> He admits, however, that his phrasing was not completely clear and that it was part of the reason for Wiesehöfer’s misreading.<sup>18</sup>

But Wiesehöfer’s criticism went on to develop its own tradition. Gregor Ahn, for example, offers a criticism of Frei’s theory in the mood of Wiesehöfer:

Auch die Annahme, die achämenidische Zentralverwaltung habe einen das gesamte Reich umfassenden Prozeß der lokalen Rechtskodifizierung (“Reichsautorisation”) initiiert, der in Judäa die Kompilation des Pentateuch katalysorisch ausgelöst habe, verkennt die (wie im Fall der sog. “Trilingue vom Letoon”) von lokalen Anfragen ausgehende und nicht zentral gesteuerte pers. Religionspolitik.<sup>19</sup>

The suggestion that the Achaemenid central administration should have initiated an all-encompassing process of local law codification (“Imperial authorization”) misinterprets the Persian policy. It was not centrally steered but reacted to local queries. Neither the case of the so-called “Letoon Trilingual” nor the compilation of the Pentateuch in Judah provide any evidence for such a suggestion.

One can find here a misunderstanding similar to Wiesehöfer’s. Ahn seems to identify “Persian imperial authorization” with the process of a central codification of local laws. If imperial

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17 Frei, “Zentralgewalt und Lokalautonomie im Achämenidenreich” (cited at note 2), 13.

18 Peter Frei, oral communication with author, 3 November 2003. See especially his phrases quoted above at note 13: “adopted as its own,” and “higher-ranking norms binding all.”

19 Gregor Ahn, “Israel und Persien,” *RGG* (4th ed.) 4.309–11 (at 310).

authorization is (mis)understood in this way, of course, there is no evidence to postulate this legal institution. However, Thierry Petit assumed such a central codification for the notice found in the Demotic Chronicle (as well as in Diodorus Siculus I, 94f) according to which king Darius collected and recorded Egyptian laws.<sup>20</sup> The historical reliability of the Demotic Chronicle is, however, contested.<sup>21</sup> At any rate, Frei did not have such a central archive in mind. Ahn's second objection likewise fails to match Frei's intentions. Ahn thinks that Persian imperial policy functioned bottom up, and not top down. Local authorities, rather than the central administration, initiated processes for the acceptance of local laws. This suggestion completely concurs with Frei's interpretation of the trilingual inscription of Xanthos:

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20 See Wilhelm Spiegelberg, *Die sogenannte Demotische Chronik des Pap. 215 der Bibliothèque Nationale zu Paris nebst den auf der Rückseite des Papyrus stehenden Texten* (Demotische Studien 7; Leipzig: Hinrichs, 1914). Thierry Petit, *Satrapes et satrapies dans l'empire achéménide de Cyrus le Grand à Xerxès Ier* (Liège: Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège 254, 1990).

21 Donald B. Redford holds the reports in the Demotic Chronicle to be of little value for the historical reconstruction of Achaemenid Egypt (idem, "The So-Called 'Codification' of Egyptian Law under Darius I," in Watts, *Persia and Torah*, 135–59). Diodorus of Sicily presents Persian period Egypt in a Hellenistic fashion, therefore with its own legislation. The Demotic Chronicle, according to Redford, is no witness to an imperial authorization or codification of Egyptian laws, but might reflect the historical translation of economic documents of Egyptian temples into Aramaic, the *lingua franca* of the Persian empire, which allowed the Persian authorities to tax and administer these temples.

[D]aß man die Autorisation einholen wolle, ist ein Teil des Volksbeschlusses. . . .

[D]as Ersuchen um die Autorisation [war] . . . demnach nicht selbstverständlich und also nicht obligatorisch.<sup>22</sup>

The desire to obtain an authorization is part of the community's decree. . . . The attempt to have an authorization issued was neither taken for granted nor obligatory.<sup>23</sup>

Frei remains uncertain about, but did not preclude the possibility of top down processes of imperial authorization, as was the case in the recording of Egyptian laws by Darius I (522–486 B.C.E.).

Another of Wiesehöfer's objections addresses the fact that not all of Frei's examples indicate that the Persian king himself was involved.<sup>24</sup> This observation is correct, but one should not overestimate its importance. Outside of the homeland, the satrap clearly represents the central government and attends to its interests in the particular satrapy.<sup>25</sup> However, for Darius's legislation in Egypt and Ezra's mission in Judah, the sources—Diodorus of Sicily 1.95.4 and

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22 Frei, "Die persische Reichsautorisation," 27.

23 Frei, "Persian Imperial Authorization," 36.

24 Wiesehöfer, "'Reichsgesetz' oder 'Einzelfallgerechtigkeit?'" 44.

25 On the relation between the satraps to the king of kings see Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire* (Winona Lake: Eisenbrauns, 2000) 338–47. For this question, see especially Klinkott, *Satrap*, 134. As a rule, satraps were in charge of legal matters; the king of kings could get involved at any point if the local population appealed to him (Briant, *From Cyrus to Alexander*, 345).

Ezra 7—explicitly mention and even stress that the central government was involved in the process.<sup>26</sup> These two cases in particular, however, at least in their literary presentation, are suspect: they may very well be fictitious, so that one might assume that, *historically*, the involvement of the satrap was the normal case. This stands to reason: The satrap’s task in matters of legislation was not only to implement the will of the central government but also to respect local demands. His duty was to mediate between local and central interests.<sup>27</sup> The explicit involvement of the Persian king in the process might (or might not) be a special feature of literary presentations like those of Diodorus and Ezra 7, which have a special interest in highlighting the imperial status of the legislation in relevant parts of the Persian empire.

Thus far, one may conclude the following: The criticisms that Iranologists such as Wiesehöfer and Ahn make against Frei’s theory of the imperial authorization of local laws contain objections based on some *misreadings* of the theory, but are not objections to the fundamental theory itself. Therefore, it is only appropriate that contributors to the *Persia and Torah* volume edited by Watts do not unanimously argue *against* the Persian imperial authorization. Gary Knoppers, for example, opts for a more open definition of the process referred to as “imperial authorisation.” He does not assume a highly centralized and uniform Persian policy of authorizing local norms, but recognizes different forms of tolerance against local autonomy.<sup>28</sup> Joseph Blenkinsopp distances himself to a certain degree from his former

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26 Frei, “Persian Imperial Authorization,” 9–12.

27 Klinkott, *Satrap*, 148.

28 Knoppers, “Achaemenid Imperial Authorization,” 134.



support of the theory of “imperial authorisation” without rejecting it as a whole.<sup>29</sup> He acknowledges the main evidence for the “imperial authorization” put forward by Frei in the Trilingue of Xanthos, and views this process as one of several instruments of the Persian administration that probably was not that important on a large scale.<sup>30</sup>

Knoppers argues that it is indeed prudent to reject a uniformly reductionist notion of “Persian imperial authorization” connected to the idea of a central archive, a central administration, and the central role of the king of kings (instead of a satrap). But his argument would still be in keeping with Peter Frei’s theory. Serious problems would arise for Peter Frei, however, if the new monograph by Sebastian Grätz is correct in its objections to the theory of Persian imperial authorization.<sup>31</sup> Grätz builds on the work of his teacher Udo Rüterswörden.<sup>32</sup>

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29 Joseph Blenkinsopp, “Was the Pentateuch the Civic and Religious Constitution of the Jewish Ethnos in the Persian Period?,” in Watts, *Persia and Torah*, 41–62. For Blenkinsopp’s earlier stance, see note 1, above.

30 Blenkinsopp, “Was the Pentateuch,” 46.

31 Sebastian Grätz, *Das Edikt des Artaxerxes: Eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7,12–26* (BZAW 337; Berlin and New York: de Gruyter, 2004); idem, “Esra 7 im Kontext hellenistischer Politik: Der königliche Euergetismus in hellenistischer Zeit als ideeller Hintergrund von Esr 7,12–26,” in *Die Griechen und das antike Israel: Interdisziplinäre Studien zur Religions- und Kulturgeschichte des Heiligen Landes* (ed. Stefan Alkier and Markus Witte; OBO 201; Fribourg: Academic Press; Göttingen: Vandenhoeck & Ruprecht, 2004) 131–54. See also Ernst Baltrusch, “Review of Sebastian Grätz, *Das Edikt des Artaxerxes: Eine Untersuchung zum religionspolitischen und historischen Umfeld*

He suggests that Ezra 7:12–26 is a Hellenistic deed of donation, because it reflects the Hellenistic praxis of *euergesis*: that is, the practice of beneficence often undertaken by Hellenistic kings to present themselves as generous donors to their subdued population. The edict in Ezra 7:12–26 is important especially for the final invocation of sanctions for any infraction: “All who will not obey *the law of your God and the law of the king*, let judgement be strictly executed on them, whether for death or for banishment or for confiscation of their goods or for imprisonment” (Ezra 7:26). This statement has gained a lot of attention in the discussion about Persian imperial authorization, as scholars have often interpreted the direct juxtaposition of “the law of your [that is, Ezra’s] God” and “the law of the [Persian] king” in 7:26 to indicate that both entities were identical—in the sense of a Persian authorisation of Ezra’s law.<sup>33</sup> “The law of the king” is nowhere introduced in the preceding context, so this proposal could be an elegant solution to clarify the phrase’s ambiguity.

According to Grätz, however, Ezra 7:12–26 cannot be evaluated to reconstruct Persian imperial policy. Grätz argues that the edict of Artaxerxes preserved in Ezra 7:12–26 is a Hellenistic fiction. His proposals are unconvincing. He himself admits that there are very few analogies to the supposed genre of “endowment grants” that he introduces in his analysis of Ezra

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von *Esra 7,12–26* (BZAW 337; Berlin and New York: de Gruyter, 2004).” Cited 29 January 2007. Online: <http://hsozkult.geschichte.hu-berlin.de/rezensionen/2004-4-129.pdf>.

32 See Rüterswörden, “Die persische Reichsautorisation der Thora” (cited n. 4 above).

33 See for example Thomas Willi, *Juda–Jehud–Israel: Studien zum Selbstverständnis des Judentums in persischer Zeit* (FAT 12; Tübingen: Mohr Siebeck, 1995) 91–117 and the bibliography provided there.

7:12–26.<sup>34</sup> In addition, the statements in Ezra 7:25–26 have concerns other than those of an endowment. The sanction mentioned in Ezra 7:26 does not fit the genre, and Grätz has to explain it away by assuming a textual influence from Deut. 17:11–12.<sup>35</sup> Finally, Grätz’s theory depends on his cross-check whether there are any external parallels to Ezra 7:12–26 available in Achaemenid texts:

Konkret ausgedrückt: Hat es einen persischen “Euergetismus” gegeben, dem sich das Zeugnis Esr 7,12ff z.B. als Schenkung persischer Provenienz zuordnen lassen könnte?<sup>36</sup>

Stated concretely: Was there ever a Persian “euergetism,” an institution to which Ezra 7:12–26 could be a witness, as a donation of Persian provenance?

However, this cross-check could only be valid if Ezra 7:12–26 indeed constitutes a “royal endowment,” as Grätz maintains. Exactly this point is disputable. Furthermore, it is astonishing that Grätz does not allow the Cyrus cylinder, the Udjahorresnet naophoros, or the edict by Cyrus in Ezra 6 (compare Ezra 1:1–3) any relevance as possible analogies. This oversight creates the impression that his argumentation involves a *petitio principii*.<sup>37</sup> Even if Grätz is right that Ezra 7

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34 Grätz, *Das Edikt*, 139–40; the examples from Ezra 6:7–13; 8:9–24 and Josephus (*Ant.* XII § 138–144) are not conclusive.

35 Grätz, *Das Edikt*, 181.

36 Ibid., 215.

37 Grätz states that the Cyrus cylinder is not a “typisches Zeugnis achämenidischer Politik” (“specific witness to Achaemenid policy”). Instead, he argues as follows: “[Kyros hat

is a Hellenistic text, it still might be possible that Ezra 7 refers to known Persian processes of “imperial authorization,” which processes could be transferred on a literary level in the introduction of the Torah in Judah.

Therefore Ezra 7 may or may not be a Hellenistic text, and the letter of Artaxerxes may or may not be a fiction, but this is, in any case, not a conclusive argument against the suggestion that Ezra 7 may reflect Persian period institutions. For example, we know today that Josephus faked the documents he provides in the books 14–16 of his *Antiquities*. Still, they contain historically reliable information.<sup>38</sup> Therefore, even if Grätz’s dating and interpretation of Ezra 7

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sich] wie bereits Assurbanipal wesentlicher Motive [neu]babylonischer Königsideologie bedient, um die Anerkennung v.a. der Marduk-Priesterschaft von Esagila zu erlangen” (“[Cyrus] used, as did Ashurbanipal before him, crucial motifs of [neo-]Babylonian royal ideology in order to gain approval especially from the Marduk priesthood of Esagila”) (Grätz, *Das Edikt*, 222–23). In relation to the Udjahorresnet naophoros, Grätz remarks, “Kambyses agiert in der Udjahorresnet-Inschrift . . . zunächst als ägyptischer Pharaon und nicht als persischer König, so dass sich eine besondere Förderung fremder Kulte als Folge der spezifisch persische [sic] Königsideologie nicht nachweisen lässt” (“In the Udjahorresnet inscription . . . Cambyses foremost acts as Egyptian Pharaoh and not as the Persian king. Therefore, a peculiar promotion of foreign cults as a specific consequence of Persian royal ideology cannot be proven”) (Grätz, *Das Edikt*, 233).

38 See, for example, Baltrusch, *Die Juden*, 94, 96 n. 47, 109 n. 123. Compare, however, Grätz, *Das Edikt*, 164 n. 540, with reference to Bernd Schröder, *Die ‘väterlichen Gesetze’: Flavius Josephus als Vermittler von Halachah an Griechen und Römer* (TSAJ 53; Tübingen: J. C. B. Mohr, 1996).

were correct, this would not provide a cogent argument against the institution of Persian imperial authorization.<sup>39</sup>

### III. THE IMPERIAL AUTHORIZATION OF THE TORAH AS AN HISTORICAL PROBLEM AND AS A BIBLICAL CONSTRUCT

If we should, or better, if we must assume processes whereby local norms were authorized by the Persian empire—however these processes are identified and determined in detail—then we are now faced with the question of the degree to which the formation of the Torah must be connected with these processes.

Several possibilities can be imagined in this regard. Aside from the simple question, most often debated in current scholarship, of whether the formation of the Torah (or a literary precursor) should be connected historically with the process of an imperial authorization, we should also discuss whether the Old Testament, most explicitly Ezra 7, interprets the legal implementation of the Torah according to the known model of Persian imperial authorization.

The first possibility is very much disputed. To be sure, Peter Frei himself never proposed that the formation of the Torah should be explained by the theory of imperial authorization. This is one of the most important differences between Frei and Blum. Blum is most explicit on this issue when he places the decisive steps in the composition of the Pentateuch within the context of Persian policies. He postulates two main compositional layers in the Torah, a

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39 This argument is also valid regarding Lester L. Grabbe, “The Law of Moses in the Ezra Tradition: More Virtual than Real?” in: *Persia and Torah*, 91–113 (at 92–94).

“Deuteronomistic” (KD) and a “Priestly” (KP) one.<sup>40</sup> The compositional activities behind these two layers each led to the establishment of a proto-Pentateuch in the early Achaemenid period, and part of the motivation behind these activities was, according to Blum, the requirements of Achaemenid politics: “(KD und) KP [wurde] unter anderem auch unter der Perspektive der ‘Reichsautorisation’ gestaltet.”<sup>41</sup> (“(KD and) KP [were] also formed within the perspective of ‘imperial authorization.’”)

This is especially true for the inclusion of “KP,” the “Priestly” compositional layer in the Torah. Blum maintains that without some external trigger, the process that led to the integration of these two compositional layers into a single Torah could never have taken place of its own accord. In their theological orientation, after all, the two compositional layers relate to each other like fire and ice. I basically agree with Blum’s assertion of a “discontinuous composition” that characterizes the combination of Deuteronomistic and priestly material on a textual level. The different perspective of these texts is so obvious that it has been almost universally recognized even within the widely diffuse state of current Pentateuchal research.

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40 See Erhard Blum, *Die Komposition der Vätergeschichte* (WMANT 57, Neukirchen-Vluyn: Neukirchener, 1984) and his *Studien zur Komposition des Pentateuch*. In these works, KD and KP both are supposed to have a literary extension from Genesis to Deuteronomy. Blum now limits KD to Exodus–Deuteronomy; see his article, “Die literarische Verbindung von Erzvätern und Exodus: Ein Gespräch mit neueren Endredaktionshypothesen,” in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. Jan Christian Gertz et al.; BZAW 315; Berlin/New York: de Gruyter, 2002), 119–56.

41 Blum, *Studien zur Komposition des Pentateuch*, 358 (parens in original; bracket added). Similarly, p. 360 and n. 96 there. See also idem, “Esra,” 235–46.

The argument, however, is not conclusive when it comes to its position regarding the lack of analogies for the composition of the Pentateuch out of theologically divergent material. Although other areas of the Old Testament also combine diametrically opposed positions, this has not led biblical scholars to conclude that the combination could only have occurred as a result of external pressure. Some passages from the Prophetic Books provide especially clear examples of this. The process of innerbiblical reinterpretation often leads to theologically conflicting statements. Certain “gola oriented” texts in the book of Jeremiah (for example, Jer 24:8–10 or 29:16–19), announce the dispersion to all regions of the world of those parts of Judah’s and Jerusalem’s population that were not deported to Babylon in 597 B.C.E.<sup>42</sup> These texts focus on the primacy of the Babylonian gola originating from the 597 B.C.E. deportation. However, there is another set of “diaspora oriented” texts in the book of Jeremiah, including 23:7–8 and 29:14, that disavow such judgment texts and envisage the return of the whole diaspora to Israel’s homeland.<sup>43</sup> They argue against the exclusive primacy of the Babylonian

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42 See Konrad Schmid, *Buchgestalten des Jeremiabuches: Untersuchungen zur Redaktions- und Rezeptionsgeschichte von Jer 30–33 im Kontext des Buches* (WMANT 72, Neukirchen-Vluyn: Neukirchener, 1996) 253–67. The terms “gola orientation” and “diaspora orientation” were introduced by Karl-Friedrich Pohlmann. See idem, *Studien zum Jeremiabuch* (FRLANT 118, Göttingen: Vandenhoeck & Ruprecht, 1978); and idem, *Ezechielstudien: Zur Redaktionsgeschichte des Buches und zur Frage nach den ältesten Texten* (BZAW 202; Berlin: de Gruyter, 1992). See also the acceptance of this distinction by Christoph Levin, *Die Verheißung des neuen Bundes: in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* (FRLANT 137; Göttingen: Vandenhoeck & Ruprecht, 1985).

43 See Schmid, *Buchgestalten*, 270–74.

gola. Instead, they focus on the worldwide diaspora as a whole as the legitimate “Israel.”

Therefore, the *combination of conflicting or opposing concepts* within the Torah does not *have* to have occurred due to external pressure. It might be explained with the help of the theory of Persian imperial authorization, but there is no need to do so.

Another problem is the formation of the Pentateuch as Torah. Why have these five books been transformed into a self-contained canonical entity? Here, it might be helpful to at least *discuss* a certain influence from outside to understand why Genesis to Deuteronomy have been segregated as Torah from the larger context of the narrative books reaching from Genesis to Kings.<sup>44</sup> Scholars who deny such an influence need to propose an alternative explanation.

A more specific problem lies in the question of how to explain the adoption of the Pentateuch as the Torah by the Samaritans. Did the Samaritans take over a Torah that the Judeans had already accepted as a normative text? Or should one think instead of a parallel process in Samaria that led to the adoption of the Torah as a normative text there? If things are complicated for the case of Judah, this is the more true for Samaria, as historical data for this community and its textual basis in ancient times are hard to determine. Traditionally, scholars

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<sup>44</sup> For discussion of some problems of the formation of the Torah, its theological shape, and its historical circumstances, see my *Erzväter und Exodus*, 290–301. See also my “Der Pentateuchredaktor: Beobachtungen zum theologischen Profil des Toraschlusses in Dtn 34,” in *Les dernières rédactions du Pentateuque, de l’Hexateuque et de l’Ennéateuque* (ed. Thomas Römer and Konrad Schmid; BETL 203; Leuven: Peeters, 2007) 183–97; and idem, “The Late Persian Formation of the Torah: Observations on Deuteronomy 34,” in *Judah and the Judeans in the 4th Century* (ed. Gary Knoppers and Oded Lipschits; Winona Lake: Eisenbrauns, forthcoming in 2007).



have postulated a schism between Judaeans and Samaritans in the Persian or early Hellenistic period, and claimed the introduction of the Torah in Judah to be a *terminus a quo* for this schism, which was followed by a final split in the period of the Hasmonaeans or even later.<sup>45</sup> More recent research tends to avoid the “schism” terminology, as this presumes a former unity. On a related note, the archeological evaluation of the excavations on Mount Gerizim in search of a Samaritan temple or cult place seem to have radically changed in the last few years. In the early 1990s, Itzhak Magen stated that there were no remnants discernible on Mount Gerizim that antedate the second century B.C.E.<sup>46</sup> Now he claims that the origins of the cult place on Mount Gerizim have to be dated as early as the sixth century B.C.E.<sup>47</sup> Given these recent changes in scholarship, it is no longer possible to adhere to a simple “schism” theory of Samaritan origins, which in turn has repercussions for how to determine the Samaritans’ introduction of the Torah. At any rate, further treatments of the promulgation of the Torah in Judah cannot proceed *etsi Samaria non daretur*.

Be this as it may, for the Ezra narratives—especially in Ezra 7–10, but also in Neh 8—one point is clear: The logic of the story aims at presenting Ezra’s law as a document equipped

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45 See the discussion in Ingrid Hjelm, “What do Samaritans and Jews have in Common? Recent Trends in Samaritan Studies,” *CBR* 3 (2004) 9–59 (at 14). See also Alan D. Crown and Reinhard Pummer, *A Bibliography of the Samaritans* (Lanham, MD: Scarecrow, 2005.)

46 See Ephraim Stern and Yitzhaq Magen, “Archaeological Evidence for the First Stage of the Samaritan Temple on Mount Gerizim,” *IEJ* 52 (2002) 49–57.

47 Hjelm, “Samaritans,” 19–20. See the report in the e-newsletter, “The Samaritan Update.” Cited 29 January 2007. Online: <http://shomron0.tripod.com/2004/jul29.html>.

with the authority of the Persian empire.<sup>48</sup> And this is the reason that Meyer in 1896 and Hans Heinrich Schaeder in 1941 could conceive of the institution of Persian imperial authorization.<sup>49</sup> Therefore it is necessary to explain why it is that Ezra 7 can argue in this way. And here again, several possibilities must be considered: (1) Ezra 7 correctly reports the imperial authorization of the Torah, (2) Ezra 7 is a late text, but still correctly reports the imperial authorization of the Torah, or (3) Ezra 7 is a late text, and presents the imperial authorization of the Torah as fiction. Which option is the right one? For the moment, it is impossible to determine.<sup>50</sup> But it must be

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48 See Kratz, *Translatio imperii*, 233–41 (especially 236); Grabbe, “The Law of Moses in the Ezra Tradition.” On Rolf Rendtorff, “Esra und das ‘Gesetz’” *ZAW* 96 (1984) 165–84, see Kratz, *Translatio imperii*, 238 n. 380, and Rendtorff’s own clarifications in “Noch einmal: Esra und das ‘Gesetz’” *ZAW* 111 (1999) 89–91. See also Bob Becking, “The Idea of Torah in Ezra 7–10: A Functional Analysis,” *ZABR* 7 (2001) 273–86; Willi, *Juda–Jehud–Israel*, 90–91.

49 See the quotation from Meyer, *Die Entstehung des Judenthums*, given above at n. 5. See also Hans Heinrich Schaeder, *Das persische Weltreich* (Breslau: Korn, 1941).

50 Especially problematic for the option of a “historical” imperial authorization of the Torah could be the fact that the Torah, at least in its main parts in Exodus 19 to Numbers 10, is presented as God’s law: “Indem die Autoren des Pentateuch JHWH zur Rechtsquelle der für ‘Israel’ als Gottesgesetz verbindlichen Sinaitora einsetzen . . . widersprechen sie dem Anspruch des achämenidischen Großkönigs, Dekrete im Namen des persischen Großen Gottes als Schöpfergottes in der Welt zu verkünden.” (“As the authors of the Pentateuch deployed YHWH as the legal source for the Tora from Sinai which is authoritative for ‘Israel’ as divine law . . . they opposed the claim of the Achaemenid Great King to promulgate decrees to the world in the name of the Persian Great God as the creator God”) (Otto, “Rechtshermeneutik,” 105–106).

stressed again: Ezra 7 assumes the imperial authorization of the Torah, whether this account is historically true or not.<sup>51</sup>

#### IV. CONCLUSIONS

What conclusions can be drawn from this discussion? If the theory of Persian imperial authorization is evaluated apart from its reduction by its critics, then it should have become clear that mere rejection is too simple an option. The sources clearly are witness to varying processes of authorization of local norms by the Persian authorities. Such processes of authorization do not imply the creation and maintenance of a central archive for authorized norms, the personal

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Nevertheless, according to the priestly notion, it is clear that “God” in the Pentateuch is an inclusive concept; see Konrad Schmid, “Differenzierungen und Konzeptualisierungen der Einheit Gottes in der Religions- und Literaturgeschichte Israels: Methodische, religionsgeschichtliche und exegetische Aspekte zur neueren Diskussion um den sogenannten ‘Monotheismus’ im antiken Israel,” in *Der eine Gott und die Götter: Polytheismus und Monotheismus im antiken Israel* (ed. Manfred Oeming and Konrad Schmid; ATANT 82; Zürich: Theologischer Verlag 2003), 11–38. Therefore, in this perspective, “Elohim” can be understood as an inclusive cipher for Ahuramazda, Zeus, or YHWH. Israel, according to its own tradition, follows “God’s” own law which is, however, mediated by its Mosaic interpretation in Deuteronomy.

<sup>51</sup> Here, I cannot discuss the problem of possible different layers in Ezra 7, as, for example Pakkala suggests (see idem, *Ezra the Scribe*, 301–09). Pakkala’s proposal might lead to different perceptions of the Torah in different stages of the literary development of Ezra 7. Pakkala holds the Artaxerxes rescript to be a (multi-layered) redactional expansion of Ezra 1–6 (45–49; 297), but he does not preclude the possibility that it reworked authentic material.

involvement of the Persian king in each act of authorization, or the necessary initiation of such a process by the Persians. Still, this does not mean that little remains of the theory—we must continue to emphasize that no analogy exists in the ancient Near East for the fact that the central Persian government lent its authority to local norms.

How the formation of the Torah should be connected with such processes of authorization currently remains an open question. It is unlikely that this formation had *nothing* to do with these processes. This basic assumption is made clear by the Artaxerxes decree in Ezra 7, completely independent of whether the text is authentic or not, or whether it is Persian or Hellenistic. Ezra 7 shows us that the author of this text was familiar with processes of authorizing local norms and that he described Ezra's presentation of the Torah to his readers in this context. It is also important not to forget the difficulties that arise if the theory is cast aside altogether: Why did the closure of the Pentateuch occur, to a large degree, during the Persian era? Better theories must be brought forward to explain how the Pentateuch could have gained the status of the Torah. The statement that the Torah is a product of Jewish scribal scholarship will not suffice, for this is true of the entire Hebrew Bible.